

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)
vs. Plaintiff,) Case No. 10-0131-01-CR-W-FJG
Denny Ray Hardin,)
Defendant.)

ORDER

Pending before the Court is the issue of defendant's mental competency. On October 6, 2010, this Court adopted the report and recommendation of Chief United States Magistrate Judge Robert E. Larsen and found defendant incompetent to proceed (Doc. #37). Accordingly, defendant was committed to the custody of the United States Attorney general for hospitalization and treatment pursuant to 18 U.S.C. §4241(d).

On April 6, 2011, this Court received a forensic evaluation of defendant by Robert G. Lucking, M.D. (Doc. #54). Judge Larsen held a competency hearing on April 14, 2011, at which time the attorneys stipulated to the content and findings of Dr. Lucking's report.

A report and recommendation was issued by Judge Larsen on April 19, 2011 (Doc. #52), finding defendant competent. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is competent to understand the nature and consequences of the proceedings against him and to properly assist in his own defense, and that he is competent to stand trial.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: 5/23/2011
Kansas City, Missouri